


THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES }
First Regular Session

04 JUN 30 P10:22

SENATE

RECEIVED BY: 

S. No: 762

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

This Bill seeks to amend Republic Act No. 6645, entitled "An Act Prescribing; the Manner of Filling a Vacancy in the Congress of the Philippines." This is in the light of Section 9 of Article VI of the Constitution which provides:

"SEC. 9. In case of vacancy in the Senate or in the house of Representatives, a special election may be called to fill such vacancy in the manner prescribed by law, but the Senator or Member of the House Of Representatives thus elected shall serve only for the unexpired term."

Pursuant to above-cited provision, Republic Act No. 6645 was enacted, prescribing the manner of filling a vacancy in the Congress of the Philippines. Furthermore, Republic Act No. 7106, was approved on November 26, 1991 providing for certain election reforms. The second paragraph of Section 4 of the said law amended Section 22 of Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code, which provides:

"In case a permanent vacancy shall occur in the Senate or House of Representatives at least one (1) year before the expiration of the term, the Commission shall call and hold a special election to Till the vacancy nut earlier than sixty (60) days nor longer than ninety (90) after the occurrence of vacancy. However, in case of such vacancy in the Senate, the special election steal(be held simultaneously with the next succeeding regular election."

These laws manifest the legislative intent to fill the vacancy in the Congress of the Philippines with utmost dispatch. Despite these laws, however, Congress seldom fills the vacancy, thus, depriving constituents of the legislative district concerned of their rightful representation. It should be noted that the matter of calling a special election to fill the vacancy in the Senate or in the House of Representatives is not mandatory. It is left to the discretion of Congress in the manner prescribed by law.

This Bill, therefore, prescribes the procedure for the expeditious holding of special election, through a certification by the Speaker on the existence of vacancy and calling for a special election to fill the vacancy in a particular legislative district.

Approval of this Bill is urgently requested.


MANUEL B. VILLAR, JR.

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AN ACT PRESCRIBING THE PROCEDURE FOR THE EXPEDITIOUS HOLDING OF A SPECIAL ELECTION IN CASE OF VACANCY IN THE CONGRESS OF THE PHILIPPINES, AMENDING FOR THE PURPOSE REPUBLIC ACT NUMBER SIXTY-SIX HUNDRED AND FORTY-FIVE, ENTITLED "AN ACT PRESCRIBING THE MANNER OF FILLING A VACANCY IN THE CONGRESS OF THE PHILIPPINES"

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Sections 1, 2 and 3 of Republic Act No. 6645, are hereby amended to read as follows:

"SECTION 1. In case a vacancy ARISES DUE TO DEATH, RESIGNATION, EXPULSION, ACCEPTANCE OF INCOMPATIBLE OFFICE, ELECTION TO ANOTHER PUBLIC OFFICE, PERMANENT INCAPACITY, AND FINAL CONVICTION OF A CRIME WHOSE PENALTY CARRIES WITH IT PERMANENT DISQUALIFICATION TO HOLD A PUBLIC OFFICE in the Senate at least [eighteen (18) months] FOUR (4) YEARS, or in the House of Representatives at least [one (1) year] TWO (2) YEARS before the [next regular election for the Members of Congress,] EXPIRATION OF THE TERM, THE PRESIDENT OF THE SENATE OR THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AS THE CASE MAY BE, SHALL, WITHIN THIRTY (30) DAYS AFTER THE OCCURRENCE OF SUCH VACANCY, SEND AN OFFICIAL COMMUNICATION TO THE COMMISSION ON ELECTIONS CERTIFYING TO THE EXISTENCE OF SUCH VACANCY AND CALLING FOR A SPECIAL ELECTION, **PROVIDED, THAT PERMANENT INCAPACITY SHALL BE DETERMINED BY A MAJORITY VOTE OF ALL THE MEMBERS OF THE CORRESPONDING CHAMBER.** [the]THE Commission on Elections, upon receipt of [a resolution of the Senate or the House of Representatives, as the case may be,] **THE SAID OFFICIAL COMMUNICATION FROM THE** PRESIDENT OF THE SENATE OR THE SPEAKER, AS THE CASE MAY BE, [certifying to the existence of such vacancy and calling for a [special election] shall hold a special election to fill such vacancy. [If Congress is in recess, an official communication on the existence of the vacancy and call for a special election by the President of the Senate or by the Speaker of the House of Representatives, as the case may be, shall be sufficient for such purpose.] The Senator or Member of the House of Representatives thus elected shall serve only for the unexpired term:

"SEC. 2. The Commission on Elections **BY A MAJORITY VOTE OF ITS MEMBERS SITTING EN BANC** shall [fix] PASS A RESOLUTION SETTING the date of the special election, **STATING AMONG OTHER THINGS THE OFFICE OR OFFICES TO BE VOTED FOR. IN CASE SUCH VACANCY EXISTS IN THE SENATE THE SPECIAL ELECTION SHALL BE HELD SIMULTANEOUSLY WITH THE NEXT SUCCEEDING REGULAR ELECTION FOR MEMBERS OF CONGRESS. IN THE HOUSE OF REPRESENTATIVES,** [which] **THE SPECIAL ELECTION** shall [not] be held not earlier than [forty-five (45)] **SIXTY (60)** days not later than ninety (90) days from the date of such [resolution or] communication: [stating among other things the office or offices to be voted for] *Provided, however,* That if within the said period a general election is scheduled to be held, the special election shall be held simultaneously with such general election.

SEC 3. The Commission on Election shall send copies of [the] ITS resolution in SUCH number AS MAY BE sufficient for due distribution and publication, to [the Provincial or City Treasurer,] ALL **ELECTION SUPERVISORS AND ELECTION REGISTRARS** of each province or city concerned, who in turn shall publish it in their respective localities by posting at least three (3) copies thereof in as many conspicuous places in each of their election precincts, and a copy in each [of the polling places and] public market(s) and in the municipal building."

SEC. 2. The Commission on Elections shall promulgate the rules and regulations necessary for the effective implementation of this Act, and shall integrate in its regular annual budget provisions for special elections.

SEC. 3. All laws, decrees, executive orders and other presidential issuances which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 4. This Act shall take effect fifteen (15) days following the completion of its publication in the *Official Gazette* or in at least two (2) national papers of general circulation whichever date comes earlier.

Approved,